

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Further amend the Law relating to Local Government in Ireland, and for other purposes connected therewith. A.D. 1902.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Notwithstanding anything in sub-head (g) of subsection (3) of section ten of the principal Act, the compensation to be paid for land taken in pursuance of an order under that section shall, in the absence of agreement, be determined by the judge of assize without a jury, or if the parties so agree, be determined by an arbitrator appointed by the Local Government Board, or by the judge of assize with a jury according to the agreement.

Amendment
of 61 & 62
Vict. c. 37.
s. 10 as to
determina-
tion of com-
pensation.

2. The time within which the payment of any debt, claim, or demand mentioned in subsection (7) of section fifty-one of the principal Act may be made may be extended by the Local Government Board to a time not exceeding two years from the date at which the same was incurred, or became due, in any case in which that Board are of opinion that there were reasonable grounds for delay in taking legal proceedings.

Amendment
of 61 & 62
Vict. c. 37.
s. 51 (7) as
to time for
payments of
debts, &c.

3.—(1.) For the purposes of paragraph (e) of subsection (2) of section fifty-eight of the principal Act and for no other purpose, any sum paid, with the sanction of the Local Government Board, by the guardians of a union during any financial year as remuneration to a medical practitioner temporarily employed to discharge the duties of a medical officer of a workhouse or dispensary while he is absent on vacation, under the authority of any general regulation of the Local Government Board, made under the Poor Relief (Ireland) Acts, 1838 to 1900, shall be deemed to be part of the salary of that medical officer, and the Lord Lieutenant shall

Amendment
of 61 & 62
Vict. c. 37.
s. 58 (2) (a)
and (4) as to
remuneration
of medical
practitioners,
medicines,
and sums
raised in
urban county
districts to
meet certain
charges.

[Bill 291.] +

A

A.D. 1902.

cause one half of the said sum to be paid out of the Local Taxation (Ireland) Account accordingly.

(2.) The Lord Lieutenant shall cause to be paid out of the Local Taxation (Ireland) Account one half of the salary of any officer appointed by the Local Government Board for the purpose of assisting them in ascertaining whether the medicines and medical and surgical appliances mentioned in subsection (2) of the said section fifty-eight, are provided in accordance with the prescribed conditions.

(3.) Subsection (4) of the said section fifty-eight shall apply in the case of an amount required to be raised in an urban county district by the council of that district, to meet a railway or harbour charge, in like manner as it applies in the case of an amount required to be raised in any area by a county council, and any sum payable by the Lord Lieutenant in pursuance of the said subsection, as amended by this enactment, shall be paid by him to the council of the urban district.

Amendment
of 61 & 62
Vict. c. 57.
s. 63 (2) as
to remission
of disallow-
ance or
surcharge.

4. Where, under subsection (2) of section sixty-three of the principal Act, the Local Government Board have directed that a disallowance or surcharge of a payment in respect of interest on any loan shall be remitted, that payment and all subsequent payments of interest at the same rate in respect of the same loan shall, until the loan is repaid, or the Local Government Board otherwise order, be legally chargeable upon such fund or rate as that Board declare to be applicable for the payment thereof.

Provision
with respect
to loans
obtained
before 1st
April 1902

5.—(1.) Where before the first of April one thousand nine hundred and two any urban council have applied for the purposes of their district money obtained by them on loan, the Local Government Board may, if they think fit, authorise the repayment of the whole or any part of that money with interest out of any fund at the disposal of the council, or any rate which the council are authorised to make, or any money raised by re-borrowing.

41 & 42 Vict.
c. 52.

(2.) Any limit on the borrowing power of the council contained in subsection (2) of section two hundred and thirty-eight of the Public Health Ireland Act, 1878, or in any local Act, shall not restrict the borrowing of any sum authorised to be borrowed for the purposes of this section.

Amendment
of 61 & 62
Vict. c. 57.
s. 66 as to
deduction by

6. Where, in pursuance of section sixty-six of the principal Act, any sum is demanded by the council of the county of Dublin from the council of an urban district for the maintenance of the police force, or for the purposes of the bridge tax or bridge rate,

A.D. 1902.

the council of the urban district shall pay the amount specified in the demand, less five per cent. as and for the cost of collection and irrecoverable rates and office expenses.

councils of
urban
districts.

7. All officers employed in pursuance of a scheme for the collection of the poor rate, purporting to have been framed by a county council under subsection (10) of section one hundred and fifteen of the principal Act, shall be deemed to be, and to have always been, poor rate collectors appointed by the county council within the meaning of that Act, and no act done in pursuance of the scheme shall be, or be deemed to have been, invalid by reason only that the amount of the remuneration of any existing officer was not fixed by the scheme as approved by the Local Government Board.

Validation
of schemes
for the
collection of
poor rate.

8. The provision in section one of the Local Officers Superannuation Act (Ireland), 1898, which prohibits a public body from granting a superannuation allowance to an officer unless his whole time has been devoted to the service of that body, shall not have effect in the case of a medical officer of health of an urban district.

Superannua-
tion of certain
officers of
urban district
councils.
52 & 53 Vict.
c. 79.

9. Article twenty-four of the schedule to the Local Government (Application of Enactments) Order, 1898 (which provides for the transfer of powers from the Treasury to the Local Government Board), as amended by section nine of the Local Government (Ireland) Act, 1900, shall apply to the powers conferred by section nine of the Public Libraries (Ireland) Act, 1855.

Amendment
of Applica-
tion of
Enactments
Order, 1898,
schedule,
article 24.
63 & 64 Vict.
c. 63.
18 & 19 Vict.
c. 40.

10.—(1.) Notwithstanding anything in Article thirty-six of the schedule to the Local Government (Application of Enactments) Order, 1898, the Local Government Board shall, by order, on request made by a resolution of a county council, passed by two-thirds of the members of the council duly summoned on not less than one month's notice, authorise the council to hold half-yearly instead of quarterly meetings.

Amendment
of Applica-
tion of Enact-
ments Order,
schedule,
article 35, as
to number of
meetings of
councils.

(2.) An order under this section may provide for the transaction, at a half-yearly meeting, of any business which would, if the order had not been made, have been transacted at a quarterly meeting.

(3.) An order under this section may make such modifications in the application to the rural district councils comprised in the county of the provisions of any Order in Council made under Part VI. of the principal Act, or of the Order confirmed by the Local Government Board (Ireland) Provisional Order Confirmation (No. 3) Act,

1 Edw. 7. .
c. cxli.

A.D. 1902. 1901, as the Local Government Board may consider necessary for giving full effect to the order under this section.

(4.) An order under this section may be revoked by the Local Government Board on request made in accordance with the provisions of this section by the county council affected by the order.

(5.) If by reason of anything done in pursuance of this section the duties of any officer of a county or district council are increased or diminished, the officer shall be bound to perform those duties, and shall receive such increase or diminution of remuneration in proportion to the increase or diminution of his duties as the Local Government Board may determine, subject nevertheless, in the case of diminution, to such compensation as is provided by subsection (19) of section one hundred and fifteen of the principal Act, and that subsection shall apply accordingly to any such officer in like manner as it applies to existing officers affected by the principal Act.

Power to Local Government Board to alter days or hours of meetings of town commissioners. 17 & 18 Vict. c. 108.

11. On request made by a resolution of the commissioners of a town, passed by two-thirds of the commissioners voting on the resolution, the Local Government Board may, notwithstanding anything in section twenty-seven of the Towns Improvement (Ireland) Act, 1854, make an order altering the day or hour, or both, on or at which the monthly meetings of the commissioners may be held, and the order shall contain such consequential provisions as the Local Government Board may consider necessary for giving effect thereto.

Provision for subscription to funds of general council.

12. Whereas an association of county councils of Ireland has been formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government: Therefore a county council may pay out of the county fund, as general expenses incurred by them in the execution of the principal Act, any sum not exceeding ten pounds in any one year, as an annual or other subscription to the funds of the association, as well as any reasonable expenses of not more than two representatives at not more than two meetings of the association.

Power to insure against accidents to workmen.

13. A county or district council may insure against any liabilities of the council under the Workmen's Compensation Acts, 1897 and 1900, and may pay the costs of such insurance out of any fund or rate applicable for defraying general expenses incurred in the execution of the principal Act.

Amendment of 34 & 35 Vict. c. 109, ss. 12 & 13

14. Every application under section twelve of the Local Government (Ireland) Act, 1871, by a party aggrieved, to an auditor, to state the reasons for his decision in respect of any allowance,

disallowance, or surcharge, shall be made, in the case of an allowance, not later than fourteen days after the allowance has been made, and in the case of a disallowance or surcharge, not later than fourteen days after any sum has been certified to be due from any person in respect of the disallowance or surcharge; and every such application shall, for the purposes of section thirteen of the said Act, be deemed to be a notice of appeal.

A.D. 1902.

as to applications by aggrieved parties and illegal payments.

15.—(1.) At the audit of the accounts of any public body, the auditor shall charge, against any person accounting, the amount of any deficiency or loss incurred by his negligence or misconduct, or of any sum which ought to have been, but was not brought into account by him, and shall in any such case certify the amount due from him.

Amendment of law as to audit

(2.) Sections twelve and thirteen of the Local Government (Ireland) Act, 1871, and section sixty-three of the principal Act (which relate to audits), shall apply to every sum certified to be due in pursuance of this section.

34 & 35 Vict. c. 108.]

16.—(1.) Where the Local Government Board require an extraordinary audit to be held of the accounts of any public body, or of any officer, whether still continuing or upon his resignation or removal from office, the audit shall be deemed to be an audit within the meaning of the enactments relating to the audit of the accounts of public bodies, and may be held after three days' notice thereof given in the usual manner.

Provisions with respect to extraordinary audits.

(2.) An auditor of the Local Government Board may, at any time when authorised or required so to do by that Board, inspect the accounts and books of account of any public body, or any officer liable to account to him.

(3.) Any member or officer of a public body who refuses to allow such inspection, or obstructs the auditor therein, or conceals any account or book for the purpose of preventing the inspection, shall be liable on summary conviction to a fine not exceeding five pounds.

17. In this Act, unless the context otherwise requires, the expression "public body" means any council, board, commissioners, or committee whose accounts are, under this or any other Act, or any Provisional Order confirmed by an Act, subject to audit by an auditor of the Local Government Board.

Definition.

18. This Act may be cited as the Local Government (Ireland) Act, 1902, and shall be construed as one with the Local Government (Ireland) Act, 1898 (in this Act referred to as the "principal Act"), and may be cited with the Local Government (Ireland) Acts, 1898 to 1901.

Short title, construction, and citation.

Local Government
(Ireland) (No. 2).

A

B I L L

[AS AMENDED IN COMMITTEE]

To further amend the Law relating to
Local Government in Ireland, and for
other purposes connected therewith.

(*Prepared and brought in by*
Mr. Wyndham and
Mr. Attorney-General for Ireland.)

Ordered, by The House of Commons, to be Printed,
31 July 1902.

PRINTED BY WYER AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
And to be purchased, either directly or through any Bookseller, from
BUTTS and SON'S, 10, Fleet Street, E.C.4, or
and 10, Abchurch Lane, Westminster, E.C.4, or
GALVIN and SONS, 21, Bedford Square, W.C.1, or
W. JOHNSON, 116, Grafton Street, Dublin.

[Price 1d.]
[Bill 2801.] +